

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application for indicating that claims 8-9 and 22-24 include allowable subject matter.

#### **Disposition of Claims**

Claims 7-9 and 21-28 were pending in the application. By way of this reply, claims 9 and 22 are canceled without prejudice or disclaimer. Accordingly, claims 7-8, 21, and 23-28 are now pending in the application. Claims 7, 21, and 25 are independent. The remaining claims depend, either directly or indirectly, from claims 7, 21, and 25.

#### **Claim Amendments**

Independent claims 7 and 21 are amended to include the allowable subject matter of now-cancelled dependent claims 9 and 22, respectively, and to clarify aspects of the invention. Independent claim 24 is amended to include substantially similar limitations of now-cancelled dependent claim 9 and to clarify aspects of the invention. Applicants respectfully assert that no new matter has been introduced by way of these amendments.

#### **Claim Objections**

As requested by the Examiner, claim 21 is amended to address informalities. Applicants assert no new subject matter has been introduced by way of this amendment. In view of this, the Examiner's objection with respect to claim 21 is addressed and should be withdrawn.

Furthermore, the Examiner objects to claims 8-9 and 22-24 as being dependent upon a rejected base claim. As discussed above, claims 9 and 22 are canceled by way of this reply and, thus, the objection is now moot with respect to the canceled claims. Further, Applicants

also assert that claims 8 and 23-24 are in condition for allowance. Specifically, Applicants assert claims 8 and 23-24 are in condition for allowance for at least the same reasons presented below with respect to independent claims 7 and 21, from which claims 8 and 23-24 depend. In view of this, withdrawal of this objection is respectfully requested.

### **Rejections under 35 U.S.C. § 112**

Claims 21-28 are rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention. As discussed above, claim 22 is canceled by way of this reply and, thus, the rejection is now moot with respect to the canceled claim. To the extent that this rejection applies to the pending claims, the rejection is respectfully traversed.

Claim 21 is amended by way of this reply to address the antecedent basis issues noted by the Examiner. *See* Office Action, page 3. Accordingly, the Examiner's rejections for indefiniteness with respect to claim 21 are now addressed.

The Examiner objects to claim 25 for lack of clarity due to the term "some or all or none of the...." *See* Office Action, page 3. Claim 25 is amended by way of this reply to replace the term "some or all or none" with "at least one." Accordingly, the Examiner's rejection for lack of clarity with respect to claim 25 is now addressed.

In view of the above, independent claims 21 and 25 satisfy 35 U.S.C. § 112, second paragraph. Claims 23-24 and 26-28 depend either directly or indirectly from claims 21 and 25 and, thus, comply with the statutory subject matter requirement of 5 U.S.C. § 112, second paragraph, for at least the same reasons. Accordingly, withdrawal of this rejection is requested.

**Double Patenting**

Claims 7-9 and 21-28 are rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,647,432 and U.S. Patent No. 6,073,139. Timely filed terminal disclaimers in compliance with 37 CFR § 1.321 are filed with this reply. Thus, the rejection is now moot and withdrawal is respectfully requested.

**Rejections under 35 U.S.C. § 103**

Claims 7, 21, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,532,498 (“Hager”) in view of U.S. Patent No. 5,214,756 (“Franklin”). To the extent that the rejection may still apply to the pending claims, the rejection is respectfully traversed.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Further, when combining prior art elements, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ...” MPEP § 2143(A).

As discussed above, independent claims 1 and 21 are amended to include the allowable subject matter of now-cancelled dependent claims 9 and 22, respectively. Thus, Hager and Franklin, whether viewed separately or in combination, fail to disclose or render obvious each and every limitation of amended independent claims 1 and 21. In view of this, independent claims 1 and 21 are patentable over Hager and Franklin. Amended independent claim 25

includes substantially similar limitations as amended independent claim 1 and, thus, is patentable over Hager and Franklin for at least the same reasons. Dependent claims 26-28 depend, directly or indirectly, from claim 25 and are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09469/175001).

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Respectfully submitted,

By           /Robert P. Lord/            
Robert P. Lord  
Registration No.: 46,479  
OSHA · LIANG LLP  
909 Fannin Street, Suite 3500  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
*Attorney for Applicants*